

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

ROBERT JASON DILLARD

PLAINTIFF

v.

Civil No. 4:19-cv-04105

JAIL ADMINISTRATOR JANA TALLANT;
DEPUTY JOHN ERIC GILDWALL; and
SHERIFF BRIAN McJUNKINS, Howard
County, Arkansas

DEFENDANTS

ORDER

Plaintiff Robert Jason Dillard proceeds in this action *pro se* and *in forma pauperis* pursuant to 42 U.S.C. § 1983. Currently before the Court is a Motion to Compel filed by Plaintiff. (ECF No. 22). Defendants have not filed a response and the Court has determined a response is not necessary to rule on Plaintiff's motion.

On November 15, 2019, the Court entered an order stating in part that all discovery in this case must be "completed" by March 16, 2020. (ECF No. 12). In the instant motion, Plaintiff states he mailed interrogatories to Defendants on March 9, 2020, one week prior to the deadline to complete discovery. (ECF No. 22, p. 2). However, Defendants did not receive the interrogatories until March 18, 2020. *Id.* at p. 3. On March 30, 2020, Defendants responded to Plaintiff in a letter stating they would not respond to Plaintiff's interrogatories because they received the requests after the deadline to conduct discovery and they had previously responded to two separate requests for production of documents from Plaintiff in January and February. *Id.*

First, the Court notes Plaintiff failed to show he made any effort to confer with Defendants before filing his motion. *See* Fed. R. Civ. P. 37 (a) (3) (B) and Local Rule 7.2 (g) requiring Plaintiff to confer or attempt to confer with the Defendants in a good faith effort to obtain the requested information before seeking court intervention. In addition, Plaintiff mailed his request to

Defendants on March 9, 2020, one week prior to the deadline to complete discovery, without filing a motion to extend the discovery deadline with the Court. Even if Defendants had received the interrogatories prior to March 16, 2020, it would have been next to impossible to respond prior to the Court's deadline to complete discovery.

Accordingly, Plaintiff's Motion to Compel (ECF No. 22) is **DENIED**.

IT IS SO ORDERED this 7th day of April 2020.

/s/ Barry A. Bryant

HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE